



Attorney Docket No. 23843/1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Gene DuBois, et al. Confirmation No.: N/A

Application No.: 10/662,148 Art Unit: N/A

FILED: September 12, 2003 Examiner: N/A

FOR: **PROTECTIVE EYEWEAR FOR HEALTHCARE PROVIDERS**

\*\*\*\*\*

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450 on:

By:

June E. Kaps

Date

Sept 22, 2003

\*\*\*\*\*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

II. COPIES

- a.   X        **Submitted herewith is a legible copy of (i) each U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.**

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

- a.   X        Except as may be indicated below in (b), **all of the patents, publications or other information are in the English language** or were cited in an English language Search Report, a copy of which is attached hereto **(concise explanation not required).**
- b.             A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:
- c.             The following additional information is provided for the Examiner's consideration:

**FEES**

IV. **THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)**

(check one box)

- a. \_\_\_\_\_ within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1)). No fee or certification is required.
- b. \_\_\_\_\_ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2)). No fee or certification is required.
- c.   X   **before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required.** In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e)below, or, if no certification has been made, charge our deposit account 500369 a fee in the amount of \$240.00 as required by 37 C.F.R. § 1.17(p).

V. **THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):**

(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

- a. \_\_\_\_\_ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).
- or
- b. \_\_\_\_\_ See the certification below. No fee is required.

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby certifies that

- a. \_\_\_\_\_ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. \_\_\_\_\_ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.
- c. \_\_\_\_\_ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

\_\_\_\_\_ Please charge Deposit Account No. 500369 in the amount of \$180.00 for the above-indicated fee. A triplicate copy of this paper is attached.

  X   No fee is required.

VII. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.704(d) (PATENT TERM  
ADJUSTMENT)

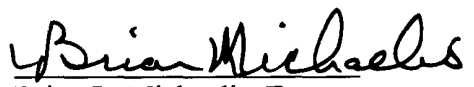
Applies to original applications (other than design) filed on or after May 29, 2000

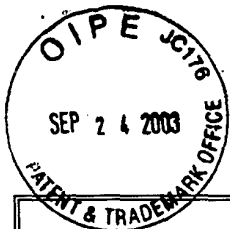
- a.        Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- b.   X   Enclosed herewith is form PTO-1449.
- c.   X   Copies of cited references are enclosed.
- d.        Some of the listed references were cited in the enclosed International Search Report in a counterpart foreign application.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition, if necessary) and charge the appropriate fee to Deposit Account No. 500369.

Respectfully submitted,

Date:   9-22-03  

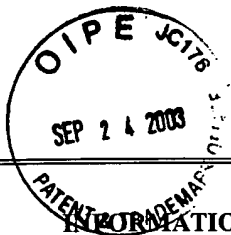
  
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Tel: (617) 856-8369



<b>FORM PTO-1449</b> <b>INFORMATION DISCLOSURE STATEMENT</b>				<b>ATTY DOCKET NO.</b> 23843/1		<b>SERIAL NO.</b> 10/662,148	
				<b>APPLICANT(S):</b> Gene DeBois, et al.			
				<b>FILING DATE:</b> September 12, 2003		<b>ART UNIT:</b> N/A	
<b>UNITED STATES PATENT DOCUMENTS</b>							
<b>EXAM. INITIAL</b>		<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>INVENTOR</b>	<b>CLASS</b>	<b>SUB CLASS</b>	<b>FIL. DATE IF APPR</b>
		6,345,892	02/12/2002	Nakamura	351	103	03/2001
		6,375,324	04/23/2002	Schleger et al.	351	121	04/1999
		6,481,845	11/19/2002	Gazzara	351	62	08/2001
<b>FOREIGN PATENT DOCUMENTS</b>							
		<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>COUNTRY</b>	<b>CLASS</b>	<b>SUB CLASS</b>	<b>TRAN Y/N</b>
<b>OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)</b>							
<b>Examiner:</b>					<b>Date:</b>		



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UNITED STATES PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	INVENTOR	CLASS	SUB CLASS	FIL. DATE IF APPR
		D170,033	07/14/1953	Spencer	57	1	
		1,706,667	03/26/1929	Haustein			
		2,342,982	02/29/1944	Stern et al.	2	9	
		2,527,027	10/24/1950	Mull	2	14	
		2,774,970	12/25/1956	Du Bois	2	9	
		2,866,202	12/30/1958	Landis	2	12	
		3,233,249	02/08/1966	Baratelli et al.	2	14	
		4,470,673	09/11/1984	Gilson et al.	351	44	
		4,542,964	09/24/1985	Gilson et al.	351	44	
		4,670,915	06/09/1987	Evans	2	450	
		4,815,838	03/28/1989	Liautaud	351	158	
		4,843,655	07/04/1989	Hegendörfer	2	449	
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRAN Y/N
OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)							
	Embrace, Cool Shieldz Protective Glasses product information, 1 pg., 2002						
	DeRoyal, SPEYES Splash Protection for Eyes product information, 1 pg., 2002						
	Embrace, Cool Shieldz, Solid Side Shields, Protective Face Masks product information, 1 pg. 2002						
	Embrace, Disposable Eye Shield product information, 1 pg., 2001						
Examiner:					Date:		



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		4,852,189	08/01/1989	Duggan	2	452	
		4,884,296	12/05/1989	Nix, Jr.	2	011	
		4,898,460	02/06/1990	Magninat et al.	351	114	
		4,917,479	04/17/1990	Bidgood	351	123	
		4,945,574	08/07/1990	Dagher	2	9	
		4,972,521	11/27/1990	Lison	2	9	
		5,012,527	05/07/1991	Michel	2	9	
		5,113,529	05/19/1992	Carr	2	13	
		5,297,298	03/29/1994	Salatka et al.	2	447	
		5,387,949	02/07/1995	Tackles	351	121	
		5,704,349	01/06/1998	Hubbard et al.	128	206.19	
		5,862,530	01/26/1999	Shillington	2	439	
<b>FOREIGN PATENT DOCUMENTS</b>							
		<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>COUNTRY</b>	<b>CLASS</b>	<b>SUB CLASS</b>	<b>TRAN Y/N</b>
<b>OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)</b>							
	TMI, Faceshield™ product information, 1 pg., 2001						
	TMI, Fullview™ product information, 1 pg., 2001						
	TMI, Eyeshield™ product information, 1 pg., 2001						
<b>Examiner:</b>					<b>Date:</b>		